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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,140	06/15/2001	Tim Coffield	087522-785-155	9254

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JONES, DAY, REAVIS AND POGUE  
35TH FLOOR  
77 WEST WACKER  
CHICAGO, IL 60601-1692

EXAMINER

HARRIS, STEPHANIE N

ART UNIT PAPER NUMBER

3636

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,140

Applicant(s)

COFFIELD ET AL.

Examiner

Stephanie N. Harris

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "second frame" in 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (USPN5503455).

Yang discloses a back for a chair comprising a fabric panel (20) and a carrier (10) extending around the periphery of and fastened to edges of the fabric panel as seen in Figure 2. The fabric is of open mesh construction as seen in Figure 2. The carrier (10) is configured to be secured along a bottom edge to a bottom portion of a chair back frame and at two upper corners to top portions of the chair back frame as seen in Figure 1. The carrier is a two-piece structure and edges of the fabric are

clamped between two pieces as seen in Figure 2. The chair back frame includes a transverse member (30) and the carrier (10) is secured along its bottom edge to the transverse member (30). The carrier (10) is secured to the transverse member (30) by screws as seen in figure 2.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Roossien et al. (USPN 5842264).

Roossien et al. discloses a back for a chair comprising a fabric panel (16) and a bendable carrier (38) extending around the periphery of and fastened to edges of the fabric panel (16) as seen in Figure 1. The carrier is configured to be fastened along the bottom edge to a first frame member (58) of the chair. The flexible joint means (42) are at opposed upper corners of the carrier (38) as seen in Figure 2. The joint means (42) are configured to be connectable to the upper portions of the second frame member (22).

Claim 1, 11, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregory (USPN 6254490).

Gregory discloses a back for a chair comprising a fabric panel (28) and a carrier (30) extending around the periphery of and fastened to edges of the fabric panel as seen in Figure 2. The carrier is configured to be secured along a bottom edge to a bottom portion of a chair back frame (16) and at two upper corners to top portions of the chair back frame (50) as seen in Figure 4. Gregory discloses the fabric (28) is of open mesh construction (Col. 2, lines 33-36).

Regarding claims 11 and 17, Gregory discloses a back for a chair comprising a fabric panel (28) and a bendable carrier (30) extending around the periphery of and fastened to edges of the fabric panel (28) as seen in Figure 2. The carrier can be fastened along a bottom edge to a first frame member (50) of the chair. Inherently when a flexible member is connected to a rigid member they form a flexible joint means. Therefore, flexible joint means are shown at opposed upper corners of the carrier as seen in Figure 4. The joint means are configured to be connectable (31) to the upper portions of a second frame member (16). The carrier (30) is a two-piece structure and edges of the fabric (28) are clamped between two pieces as seen in Figures 2 and 4.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory in view of Pile (USPN 3008764).

Gregory has been described above noting Figures 2 and 4. Gregory shows all of the teachings of the claimed invention but fails to show the use of a ball and socket connection between the carrier and the chair frame.

Pile discloses a carrier that is configured with an aperture (44) that receives a portion of a ball (30) that is formed on a chair back frame (28) as seen in Figure 2. A retainer is secured to the carrier to form a socket (24) for retaining each of the balls (30) as seen in Figure 4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the connection between the carrier and the chair frame of Gregory with the ball and socket connection, as shown by Pile, to allow the carrier and chair frame to be easily disengaged and reengaged.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Stumpf et al. (USPN 6059368).

Yang has been described above. Yang shows all of the teachings of the claimed invention but fails to show the use of glue to secure fabric edges in the carrier. Stumpf et al. discloses that glue can be used to retain the fabric edges in the carrier (Col. 20, lines 39-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the carrier of Yang with the glue, as shown by Stumpf et al., in order to provide a more secure fastening means for the fabric.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory in view of Stumpf et al. (USPN 6059368).

Gregory has been described above. Gregory shows all of the teachings of the claimed invention but fails to show the use of glue to secure fabric edges in the carrier. Stumpf et al. discloses that glue can be used to retain the fabric edges in the carrier

(Col. 20, lines 39-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the carrier of Gregory with the glue, as shown by Stumpf et al., in order to provide a more secure fastening means for the fabric.

Claims 4, 5, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory.

Gregory discloses the fabric (28) is of open mesh construction (Col. 2, lines 33-36). Gregory shows all of the teachings of the claimed invention but fails to show the use of woven monofilaments and multifilaments. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to use woven monofilaments and multifilaments, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang.

Yang has been described above. Yang shows all of the teachings of the claimed invention but fails to show the use of woven monofilaments and multifilaments. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to use woven monofilaments and multifilaments, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claims 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roossien et al in view of Pile.

Roossien et al. has been described above noting Figures 1 and 2. The flexible joint means (42) are sockets configured to receive a member (120) of the second frame member (22). Sockets are formed by apertures (42) in the carrier as seen in Figure 2. Retainers are disposed on each side of the apertures to form the sockets as seen in Figure 2. Roossien et al. shows all of the teachings of the claimed invention but fails to show the use of a spherical member received in the socket.

Pile discloses a carrier that is configured with an aperture (44) that receives a portion of a ball (30) that is formed on a chair back frame (28) as seen in Figure 2. A retainer is secured to the carrier to form a socket (24) for retaining each of the balls (30) as seen in Figure 4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the connection between the carrier and the chair frame of Roossien et al. with the ball and socket connection, as shown by Pile, to allow the carrier and chair frame to be easily disengaged and reengaged.



**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to chair backs: U.S. Pat. No. 6279998 to Chu et al., U.S. Pat. No. 6220661 to Peterson, U.S. Pat. No. 5662383 to Hand, U.S. Pat. No. 6099076 to Nagel et al., and U.S. Pat. No. 6257665 to Nagamitsu et al .

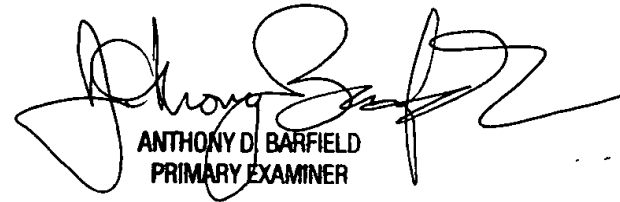
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie N. Harris whose telephone number is 703-305-1838. The examiner can normally be reached on Monday-Friday from 9am to 5pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SNH

June 14, 2002



ANTHONY D. BARFIELD  
PRIMARY EXAMINER